FARAD CONTINUATION SHEET NO
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

APPEAL FROM ORDER NO.873 OF 2005 WITH C.A.NO.1024/2005

Office notes, office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders.

Court's or Judge's orders

Mr.T.D.Singh for the Appellant.
Mr.R.A.Malandkar for the Respondent No.1.

CORAM :B.H. MARLAPALLE, J.
DATED : 13/9/2005.

P.C.

1. Heard Mr. Singh, learned counsel for the appellant-plaintiff. By the impugned order dated 25.8.2005 passed in L.C.Suit No.3351/2005, the learned Judge of the Trial Court declined to consider the prayer for ad interim relief sought in the Notice of Motion. The plaintiff has produced two documents i.e. Assessment Register and rent receipts which are referred in the notice issued by the Corporation was Ramcharit Singh chawl, whereas, the rent receipts produced indicated the premises located in Devraj Bechu Singh chawl. The notice dated 1.1.2004 under Section 351 of the Mumbai Municipal Corporation Act,1988, prima

facie, shows that the suit structure was put up on the open land between Shiv temple and the railway line. The reasoning given by the trial court in refusing to grant protection by way of ad interim relief could not be faulted with. Hence, appeal is dismissed.

2. In view of the above order, C.A.No.1024/2005 does not survive and accordingly, the same is disposed of.

(B.H.MARLAPALLE, J.)